

JUL-19-2007 03:23PM FROM-

T-462 P.002/006 F-529

TC-4006 (jm) RPM
SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN NEW YORK

-----X
In Re: NEW YORK CITY
ASBESTOS LITIGATION

-----X
JAMES DIRECTOR and SUSAN DIRECTOR,

Index No: 115923-06

Plaintiffs,

- against -

ALGOMA HARDWOODS, INC. *et al*,

Defendants.
-----X

AFFIRMATION IN
OPPOSITION TO
PLAINTIFF'S MOTION FOR
JOINT TRIAL

ROBERT P. MEYERSON, Esq., an attorney duly admitted to practice law in the courts of the State of New York, hereby affirms the truth of the following under penalties of perjury pursuant to CPLR § 2106 as follows:

I am an associate with the law firm of DeCicco Gibbons & McNamara, P.C., attorneys for defendant Kaiser Gypsum Company, Inc. ("Kaiser") in the James Director (Index # 115923-06) and Harvey H. Helfand (Index # 117176-06) asbestos cases and as such, I am fully familiar with the pleadings and proceedings heretofore had herein based upon a file maintained in this office.

This affirmation is made in opposition to plaintiff's motion for a joint trial.

In the interest of judicial economy, Kaiser adopts and incorporates by reference herein the affirmation in opposition of Gregg J. Borri, the attorney for Georgia-Pacific Corporation ("Georgia Pacific"), and the exhibit annexed thereto. Likewise, Kaiser adopts and incorporates herein the resuscitation of each of the legal arguments made by Gregg J. Borri on behalf of Georgia Pacific.

As is clearly and specifically outlined in the Affirmation in Opposition of Gregg J. Borri on behalf of Georgia Pacific, the Director and Helfand cases should be tried

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separately and apart from each other, and separate and apart from the following additional seven asbestos actions that plaintiffs' counsel seeks to join:

Bianco, Frank	115546-06
Felten, Karl	114005-06
Holinka, Christian	114120-06
Nacht, Jack	114274-06
Ritzer, Frederick	111328-06
Saccomano, Joseph	113299-06
Sheppard, Robert	117513-06

As is set forth in the Affirmation in Opposition of Greg J. Borri, the Director and Helfand cases involve separate and distinct work sites, trades, years of exposure, and types of exposure. Therefore in order to avoid jury confusion and resulting prejudice, the Director and Helfand cases should be tried separately and apart from the seven other cases. Further, Kaiser Gypsum adopts those arguments raised by defendants who have opposed plaintiffs' application.

WHEREFORE, defendant Kaiser Gypsum Company, Inc. respectfully submits that plaintiffs' motion for a joint trial be denied.

Dated: New York, NY
July 19, 2007

BY:


ROBERT P. MEYERSON

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AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) SS.:
COUNTY OF NEW YORK)

Joy Marr, being duly sworn, deposes and says, that the deponent is not a party of the action and is over 18 years of age.

That on the 19 July 2007 deponent served the within


AFFIRMATION IN OPPOSITION TO
PLAINTIFF'S MOTION FOR JOINT TRIAL

upon the attorneys named below by depositing a true copy of the same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York, and directed to the said attorneys at the address indicated below, such address being the address designated by said attorneys for that purpose.

TO:
See RIDER


JOY MARR

Sworn to before me on this
19 July 2007


THERESA KLUWE
Notary Public, State of New York
No. 01KL5062180
Qualified in Orange
Commission Expires June 24, 2010

JUL-18-2007 03:24PM FROM-

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RIDER

TO:

Via Mail and Fax 212-344-5461

Weitz & Luxenberg
 180 Maiden Lane
 New York, New York 10038-4925

ALL DEFENSE COUNSEL OF RECORD
 Via Fax

McElroy, Deutch & Mulvany	973-425-0161
McGivney & Kluger, PC	212-509-4420
Drinkle, Biddle & Reath LLP	212-248-3141
McGuire Woods LLP	212-715-2315
Anderson, Kill Olick & Oshinsky	212-278-1733
Gordon & Silber	212-490-0035
Wilson Elsen Moskowitz et al.	212-490-3038
Barry McTiernan & Moore	212-608-8902
Weiner Lesniak	631-232-6184
Cullen & Dykman	718-935-1509
Ahmuty, Demers & McManus	516-625-4712
Reed Smith LLP	609-951-0824
Malaby Carlisle & Brady LLC	212-791-0286
Consolidated Edison	212-780-6483
Jones Hirsch Conors & Bull	212-527-1680
McGivney & Kluger	212-509-4420
Wolf Block, Schoor & Solis-Cohen	212-986-0604
Hoagland, Longo, Moran, Dunst & Doukas	732-545-4579
Law offices of Gregg Borri	212-208-0969
Smith Stratton, Wise, Heher & Brennan	609-987-6651
Lynch Daskal Emery LLP	212-302-2210
Harris Beach LLP	212-687-0659
Keyspan	516-545-5029
Mintzer Sarawitz Zens Ledva & Meyers	212-968-9840
Lavin O'Neil Ricci Cedrone & DiSipio	212-319-6932
Cerussi & Spring	914-948-1579
Weiner Lesniak LLP	973-403-0010
Greenberg Traurig	212-801-6400
Dorsey & Whitney	212-953-7201
Darger & Errante, Jr. Esq.	212-452-5301
Hoagland, Longo, Moran, Dunst & Doukas	732-545-4579
Kirkpatrick & Lockhart Preston Gates Ellis	973-848-4001
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DeCICCO, GIBBONS & McNAMARA, P.C.
Attorneys for defendants
Kaiser Gypsum
Office & P.O. Address
14 East 38th Street
New York, NY 10016
(212) 447-1222

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Philip A. DeCicco
Joseph T. Gibbons
Daniel J. McNamara

DeCicco, Gibbons & McNamara
Attorneys at Law
14 East 38th Street
New York, NY 10016

James W. Kachadoorian
Robert P. Meyerson

TELEPHONE No.: (212) 447-1222

FACSIMILE TRANSMITTAL

FACSIMILE NO.: (212) 689 0153

TO:

Weitz & Luxenberg	212-344-5461
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FROM: Robert P. Meyerson
DATE: July 19, 2007
RE: James Director
Number of pages including this page: 6

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